

# SEYFARTH SHAW

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May 10, 2018

## VIA ECF AND E-MAIL

Hon. Richard J. Sullivan  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2104  
New York, New York 10007  
SullivanNYSDChambers@nysd.uscourts.gov

**Re: *Francis v. 805 Columbus Condominium et al.***  
**Civil Action No.: 1:16-cv-07539-RJS**

Dear Judge Sullivan:

This firm represents Defendant Starbucks Corporation ("Starbucks") as incoming counsel in the above-referenced action. To note, Starbucks submitted to the Orders and Judgments Clerk today a Stipulation and Proposed Order of Substitution of Counsel, as well as supporting affidavits of the undersigned and Sarah E. Bell, Esq. in support of the application for substitution by Seyfarth Shaw LLP. Pursuant to the Court's March 16, 2018 Order (ECF No. 65), Starbucks writes jointly with Plaintiff Ashley Francis and Defendant Columbus 805 LLC to advise the Court of the status of the parties' settlement negotiations and to propose next steps for concluding this litigation.

### **I. Discovery Completed**

By way of background, in its March 16 Order, the Court directed that Starbucks provide limited discovery relating to its sales and service counters by April 16, 2018 before it can proceed with its anticipated motion for summary judgment. Starbucks represents that it has produced documents in response to Plaintiff's Request Nos. 2, 5, 6, 14, and 15, in full compliance with the Court's Order. Plaintiff initially raised an issue regarding production of the responsive documents identified in Starbucks' discovery responses, Starbucks has confirmed to plaintiff that the documents it provided as Bate stamped Starbucks 000001 to Starbucks 000065 are all the "responsive documents" identified in Response Nos. 5, 6, 14 and 15 in Starbucks Corporation's Response & Objections to Plaintiff's First Request for Documents, dated April 24, 2018. Plaintiff consequently no longer contests the sufficiency of Starbucks production.





## **II. Settlement Discussions and Next Steps**

The parties have also not reached an agreement on the terms of a settlement. Consequently, Starbucks intends to file a pre-motion letter with respect to its anticipated motion for summary judgment on or before June 15, 2018. This timeframe will allow for the transmission of the file from outgoing counsel to the undersigned, and provide sufficient time for Starbucks to submit its pre-motion letter. Plaintiff has no objection and consents to the timeframe proposed by defendants' incoming counsel.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF and e-mail)